

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OBED DE LA ROSA,

Plaintiff,

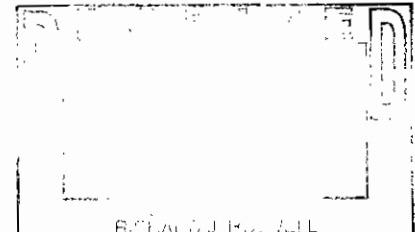
-against-

THE CITY OF NEW YORK, "JOHN DOES," NEW YORK CITY POLICE OFFICER ANTHONY RICCI, Shield # 09586, all individually and in their official capacities,

Defendants.

INITIAL SCHEDULING ORDER

07 Civ. 8027 (RJH)(DFE)



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The parties, by and through their counsel undersigned, hereby submit their proposed Initial Scheduling Order as follows:

1. Description of Case

a. Attorneys of Record

James I. Meyerson
64 Fulton Street
New York, New York 10038
(212) 226-3310
Attorney for plaintiff

Michael A. Cardozo
Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007
Mark D. Zuckerman, Senior Counsel
(212) 442-8248
Attorneys for Defendants

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DATE FILED: <u>12/4/07</u>

b. Basis of Jurisdiction- Federal Question pursuant to 28 U.S.C. §§1331 and 1333, in conjunction with 42 U.S.C. § 1983 and 1st, 4th and 14th Amendments to the United States

Constitution. In addition, pendent jurisdiction is sought to be invoked pursuant to 28 U.S.C. § 1367.

c. Claims- This case arises out of plaintiff's arrest at the Puerto Rican Day Parade held on June 10, 2007. Plaintiff claims that he was falsely arrested, and subjected to excessive detention. Furthermore, he alleges that his 1st Amendment rights were violated. There are no counterclaims.

d. Major legal and factual issues in the case- The issues in the case are whether plaintiff was falsely arrested, subjected to excessive detention and/or whether his First Amendment rights were violated while attending the Puerto Rican Day Parade on June 10, 2007 and/or whether the individual defendant Police Officer Anthony Ricci is entitled to qualified immunity. Plaintiff was charged with disorderly conduct and unlawful assembly. Plaintiff denies that he was acting unlawfully. Defendant denies that he was acting unlawfully.

e. Relief Sought- Monetary Damages in an amount to be determined at trial

2. Proposed Case Management Plan.

a. Pending Motions-none

b. Cutoff date for joinder of additional parties-February 1, 2008

c. Cutoff date for amendments to pleadings-February 1, 2008

d. Schedule for completion of discovery-

i. Rule 26(a)(1) disclosures-December 17, 2007

ii. Fact discovery completion date-April 30, 2008

iii. Plaintiff's Rule 26(a)(2) disclosures-May 15, 2008;

Defendants' Rule 26(a)(2) disclosures-July 1, 2008

iv. Expert discovery-Expert discovery to be completed by July 21, 2008.

- e. Dispositive Motions-June 2, 2008
- f. Final Pretrial Order-30 days after all dispositive motions are resolved.
- g. Trial-
 - i. Jury trial is requested.
 - ii. Length of trial-3-5 days.
 - iii. Case will be ready for trial following disposition of dispositive motions, if any.

3. The parties do not consent to proceed before a Magistrate Judge.

4. The conference scheduled for December 7, 2007
is adjourned to May 2, 2008 at 10:00 a.m. at which time the parties shall report on the results
of fact discovery.

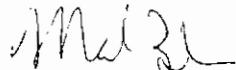
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4. The parties are discussing settlement and will inform the Court if a settlement conference would be useful.

Respectfully Submitted,

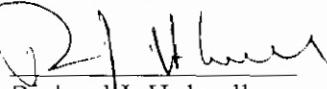
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By: _____ /s/
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Attorney for Plaintiff

MICHAEL CARDOZO
Corporation Counsel of the
City of New York
100 Church Street
New York, New York 10007

By: 

MARK D. ZUCKERMAN
Attorneys for Defendants

So Ordered:


Richard J. Holwell
United States District Judge

12/4/07